payment of contractual obligations and pertinent disbursing regulations. All payments under these procedures will be in local currency. Acceptance of services procured under these procedures shall be certified to by the officer responsible under § 845.3 (or his designee). Payments of bail may be made when authorized by such officers. Such authorization shall be in the form of a directing letter or message citing 10 U.S.C. 1037.

§ 845.9 Appropriated funds chargeable.

Authorized expenses incurred incident to implementation of the policies set forth in this part, including transportation and per diem expenses of trial observers, interpreters, and local counsel employees, shall be paid from appropriated funds of the service to which the defendant belongs. Payments shall be made from the appropriation current at time of payment, unless obligations for authorized costs have previously been established. Refunds shall be processed as appropriation refund. Such funds are chargeable to the base for operation and maintenance purposes (O&M or R&D, as applicable).

§ 845.10 Reimbursement.

No reimbursement will ordinarily be required from individuals with respect to payments made in their behalf under this part. However, prior to the posting of bail on behalf of a defendant, a signed agreement shall be secured from him wherein he agrees to remit the amount of such bail or permit the application of so much of his pay as may be necessary to reimburse the Government in the event that he willfully causes forfeiture of bail. In the event of such forfeiture, bail provided under this part shall be recovered from the defendant in accordance with that agreement. The agreement should include a statement that it does not prejudice the defendant's right to appeal to the Comptroller General of the United States and the courts after such payment or deduction has been made, if he considers the amount erroneous.

§ 845.11 Correspondence.

Judge advocates who advise officers responsible under § 845.3 are authorized to correspond directly with each other and with the Judge Advocate General of the service concerned for advice with regard to payment of counsel fees and other expenses.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-39235 Filed 12-20-79; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1378-7]

Approval and Promulgation of State Implementation Plans; Approval of PSD Plan for North Dakota

AGENCY: Environmental Protection Agency.

ACTION: Final rule; Correction.

SUMMARY: The purpose of this action is to change section numbers 52.2620 and 52.2630 to 52.1820 and 52.1829, respectively, of Title 40, Part 52, of the Code of Federal Regulations for the PSD SIP revision for North Dakota. The final rulemaking was published in the Federal Register on November 2, 1979 (44 FR 63102).

EFFECTIVE DATE: The effective date of this rulemaking is December 21, 1979.

ADDRESSES: Copies of the SIP revision and an EPA evaluation of the revision will be available at the offices of the EPA listed below.

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David S. Kircher, Chief, Planning & Operations Section, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: December 10, 1979.

Roger L. Williams,

Regional Administrator.

[FR Doc. 79-39150 Filed 12-20-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1374-4]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This action approves a revision to the Michigan State Implementation Plan (SIP) which was published in a Notice of Proposed Rulemaking on July 12, 1979 (44 FR 26765). The revision extends the date that the Detroit Edison Company is required to bring sulfur dioxide emissions from coal fired boilers at its Monroe County Generating Station, in the City of Monroe, Monroe County, Michigan, into compliance with certain regulations contained in the federally approved Michigan SIP. Any extension of SIP compliance dates for major sources of pollution must be approved as SIP revisions before they become effective (42 U.S.C. Section 7410). This revision extends the date for compliance from January 1, 1980 to January 1, 1985. In the interim, the Commission established a sulfur dioxide emission limitation which is equivalent to burning coal with a sulfur content of 3.0% at full load for the period beginning six months after July 7, 1977 and ending December 31, 1979. From December 31, 1979 until January 1, 1985, the Commission established a sulfur dioxide emission limitation which is equivalent to the Company burning 2.3% coal on a maximum 24-hour basis. In addition, the Company is required to install adequate monitors, measure and record the fuel firing rate at each boiler, and submit data from above to the Michigan Department of Natural Resources. The supporting documentation demonstrates that this SIP revision will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Joel Morbito, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6059.

SUPPLEMENTARY INFORMATION: The Detroit Edison Company operates a coal-fired, steam powered electric generating station in Monroe County, Michigan. The plant is commonly known as the Monroe Power Plant. On April 20, 1976 Edison made application to the Michigan Department of Natural Resources Air Pollution Control Commission (Commission) for an extension of the date that the Monroe Power plant had to be in compliance with the sulfur dioxide emission limits specified in Tables 3 and 4 of Rule 336.49 of the State of Michigan Air Pollution Control Commission Rules and Regulations for Air Pollution.

On November 8, 1976, the Company revised its request and requested that the Commission establish a sulfur dioxide emission limit for the Monroe Plant which is equivalent to burning coal with a sulfur content of 3.0% a full load for the period beginning 6 months after July 7, 1977 and ending on December 31, 1979. The Company

requested further that the Commission establish for the period January 1, 1980 to January 1, 1985 a sulfur dioxide emission limit for the Monroe Plant which is equivalent to burning coal with a sulfur content of 2.3% by weight at 12,000 BTU/lb. of coal.

A public hearing was held in this matter on April 18, 1977, in conformity with a notice of hearing requirement set forth in 40 CFR, Part 51.4. The Commission signed the Order on July 7, 1977 and on December 12, 1977 formally submitted it to the U.S. Environmental Protection Agency (USEPA) as a revision to the Michigan SIP.

Pursuant to Section 110 of the Clean Air Act, the Administrator of the USEPA must approve Administrative Orders which extend compliance dates for major sources as revisions to the SIP before they may become effective. 42 U.S.C. Section 7410.

On July 12, 1979 (44 FR 40655) the Administrator published the Order as a proposed revision to the Michigan SIP and invited comment. Interested parties were given until August 13, 1979 to submit written comments on the proposed SIP revision. The only comments received were those of the Detroit Edison Company urging approval of the proposed revision.

Final approval of the Michigan Air Pollution Control Commission's Order as a revision to the Michigan SIP is the subject of today's rulemaking. The Order, which extends the date for complying with Rule 336.49 was submitted to the USEPA after notice and public hearings were held in accordance with the procedural requirements of 40 CFR, Parts 51.4 and 51.6. The Order extends the compliance date for meeting sulfur dioxide emission limitations to January 1, 1985, subject to certain conditions which are as follows:

(A) Sulfur Dioxide Control Program and Emission Limitations

(1) Commencing six months from the effective date of this Order, the Company shall not burn any fuel at the Power Plant which:

(a) Results in sulfur dioxide emissions greater than 1,580 tons per calendar day. The intent of this subparagraph is to be equivalent to burning coal at the Power Plant of 3.0 percent sulfur by weight, 12,000 BTU/pound of coal at 3,200 megawatts gross load.

(b) Results in sulfur dioxide emissions greater than 5.60 pounds per million BTU heat input per calendar day. The intent of this subparagraph is to be equivalent to burning coal at the Power Plant of 3.5 percent sulfur by weight at 12,000 BTU/pound of coal.

(2) After January 1, 1980 and continuing until January 1, 1985, the Company shall not emit or cause the emission of sulfur dioxide in excess of a maximum of 3.68 pounds per million BTU heat input calculated on a calendar day basis. The intent of this subparagraph is to be equivalent to burning coal at the Power Plant of 2.3 percent sulfur by weight at 12,000 BTU/pound of coal.

(3) By January 1, 1982, the Company shall submit to the staff an acceptable control strategy including increments of progress for the Power Plant which shall provide for compliance with the emission limits specified in Table 3 R 336.49, by not later than January 1, 1985. It is the intent of the Company and Staff to incorporate the elements of this control strategy into either a new or amended Consent Order.

(4) By January 1, 1985, the Company shall not emit or cause the emission of sulfur dioxide in excess of a maximum of 1.60 pounds per million BTU heat input calculated on a 24-hour average basis, unless an alternate compliance date is established for the Power Plant by subsequent amendment to the State Implementation Plan [as published in the **Federal Register** at 40 CFR 50].

(5) Annually from the date of final adoption of Section 5(A)(4), the Company shall submit to Staff (and upon request to the Commission) a report of the Company's progress towards complying with this Consent Order. Any developments which would preclude compliance by the Company with Section 5(A)(4) shall be immediately transmitted in writing to the Staff and the Commission.

(B) Monitoring

(1) The Company shall operate a reasonable number of ambient air quality monitors in such manner and at such locations as specified by the Chief of the Air Quality Division, Department of Natural Resources.

(2) The Company shall install by January 1, 1978 for testing and certification purposes in-stack emission monitors for measuring sulfur dioxide and plume opacity. These monitors will be placed in operation as soon as possible, but not later than Janury 1, 1980.

(3) The Company shall demonstrate the adequacy of the in-stack sulfur dioxide monitor by measuring and providing fuel analysis in a manner approved by the Chief of the Air Quality Division, Department of Natural Resources.

(4) The Company shall measure and record the fuel firing rate at each boiler at the Power Plant.

(5) Beginning in 1977, the Company shall conduct periodic source emission tests for particulates from each unit. The tests shall be conducted at approximately 18-month intervals and in accordance with the Commission approved procedures.

(C) Data Reporting

The Company shall submit data from the aforementioned ambient air quality monitors, in-stack monitors, fuel analysis, fuel firing rate and particulate testing in such format and at such intervals as specified by the Chief of the Air Quality Division, Department of Natural Resources, subject to the Company having the opportunity to appeal such requirements to the Commission. If the Company fails to submit the above data as specified, such failure shall constitute a violation of this Order unless the Company promptly provides the Commission with an acceptable reason for such failure.

(D) Excursions Above Air Quality Standards

In the event that either the Company or the Staff determines at any time that any one of the sulfur dioxide monitors referred to in paragraph (B)(1), above, or any one similar monitor operated by the Staff or the Wayne County Health Department in Wayne or Monroe Counties, measures an ambient sulfur dioxide excursion [an excursion is a single ambient concentration above 365 $\mu g/m3$ (0.14 ppm) calculated on a running 3-hour average], then the Company shall:

(1) Within 45 days reduce the mass rate of sulfur dioxide emission from the Power Plant according to the following applicable formula:

(a) For an excursion of the running 3-hour average:

$$\text{Interim Reduction} = 110 - \frac{130{,}000}{\text{Excursion}}$$

Where:

Excursion = maximum 3-hour running average ($\mu g/m3$)

(b) For an excursion of the running 24-hour average:

$$\text{Interim Reduction} = 110 - \frac{36{,}500}{\text{Excursion}}$$

Where:

Excursion = maximum 24-hour running average ($\mu g/m3$)

It is understood that the Interim Reduction shall be applied as a percentage to the mass rate of sulfur dioxide emission corresponding to the emission during the excursion. It is further understood that the Interim Reduction shall remain in effect until

such time as the Company is in compliance with the emission limits specified in Table 3 of R 336.49. The Company and Staff further agree that additional Interim Reductions may be required in the event of a subsequent excursion. The Interim Reduction, however, shall not result in a sulfur dioxide emission limit that would be more stringent than the requirements of Table 3 of R 336.49.

The Company will be relieved of this Interim Reduction requirement if: (a) it demonstrates to the Commission's satisfaction, utilizing the procedure attached hereto as Appendix I, that the Power Plant's contribution to the excursion is less than 20 percent; or (b) it has received the Commission's approval to implement and does implement an alternate interim emission reduction program. Further, the Company may be relieved of this Interim Reduction if it demonstrates to the Commission's satisfaction that the excursion was likely caused by an unusual release of sulfur dioxide by a source other than the Power Plant. Notwithstanding possible relief from the Interim Reduction requirement, the Company shall still be required to comply with paragraphs (D)(2) and (3), following.

(2) Within four (4) months, submit an acceptable program to the Commission in writing which provides for compliance with the emission limits of Table 3 of R 336.49. The Company will be relieved of the requirement to submit such a program if it demonstrates to the Commission's satisfaction by utilizing the procedure attached thereto as Appendix I, that the Power Plant's contribution to the excursion was greater than 10%. Determining compliance with this section shall be made in accordance with the following examples:

Measured value of the excursion	Permitted 10 percent contribution of power plant
Total=400 μg/m3	40 μg/m3 or less.

Notwithstanding the provision of (D)(3), below, the Company will not be required to implement such a program unless between the date of excursion to which the Power Plant's contribution was greater than 10% and January 1, 1985, a second excursion occurs to which the Power Plant's contribution was also greater than 10%. It is the intent of the parties to develop and enter into the Consent Order referred to in (D)(3), below, after the first excursion, but not to implement the program until after the second excursion. (3) Within seven (7) months enter a Consent Order with the Commission, for implementation of the program referred to in paragraph (D)(2), above. The Company will be relieved from the requirements to enter into the Consent Order and implement the program submitted in paragraph (D)(2), above, if it successfully makes the demonstration referred to in (D)(2), above. The Company may be relieved from the requirements to submit an acceptable program, enter into the Consent Order and implement the program submitted in (D)(2), above, if it demonstrates to the Commission's satisfaction that the excursion was likely caused by an unusual release of sulfur dioxide by a source other than the Power Plant.

6. Modification or revocation of order

(A) The Staff and the Company agree that the entry of this Consent Order is without prejudice to the Company's rights to petition the Commission for modifications of any provision of this Consent Order in the event that the Company, for any good cause, including the impact of compliance with the terms of this Order, believes that a reconsideration is appropriate.

(B) The Commission may modify or revoke this Order granting an extension of the dates for compliance with Tables 3 and 4 if the Commission deems it necessary for any of the following reasons:

(1) The Commission determines that the person granted the extension has not adequately complied with the terms, conditions and requirements of the Order issued by the Commission, including but not limited to monitoring, reporting and fuel specifications.

(2) The Commission determines that the public health, safety or welfare may be adversely affected by any further compliance extension.

(3) The Commission determines that further reductions in the Power Plant's sulfur dioxide emissions would allow the location of a new source or modification of an existing source, and without the reduction the new source or modification of an existing source would not be permitted. However, such reduction shall not be greater than that necessary to permit the location of the new source or the modification to the existing source, and such reduction shall not be more stringent than the requirements of Table 3 of R 336.49.

(4) The Commission determines that the original data submitted by the applicant on the application requesting an extension is materially inaccurate.

(5) The Commission determines that federal law or rules would prohibit or make unlawful further extension.

7. Staff and the Company both acknowledge that a public hearing on this abatement program was held on April 18, 1977. Both Staff and the Company hereby consent to enforcement of this Stipulation and Final Order in the same manner and by the same procedures for all final orders entered pursuant to Section 16 of Act 257 of the Public Acts of 1972, being Section 336.26 of the Michigan Compiled Laws, incuding but not limited to, enforcement by legal action brought under 1972 PA 257 and/or 1970 PA 127.

Final approval of the Order as a SIP revision is effective upon publication (date of publication). The Administrator finds good cause for making this revision effective immediately as the Order is already effective in the State of Michigan and federal approval imposes no additional requirement on the affected source.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

After review of all relevant materials, the Administrator has determined that the revision meets the requirements of Section 110 (a)(3) of the Clean Air Act and USEPA regulations in 40 CFR Part 51.6. The revision is legally enforceable, will not interfere with attainment or maintenance of the NAAQS and has been subjected to reasonable notice and public hearing. Accordingly the revision is approved.

This Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Part 52 of Chapter 1, Title 40, Code of Federal Regulations, the table in 52.1175 is amended by adding a new entry in paragraph (e) as follows:

Subpart X—Michigan

§ 52.1175 Compliance schedules.

* * * * *

(e)

* * * * *

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
* * * *		*	*	*
Detroit Edison (Monroe plant)	Monroe County	336.49	July 7, 1977	Jan. 1, 1985.
* * * *		*	*	*

(42 U.S.C. § 7410)

Dated: December 13, 1979.

Douglas Costle,

Administrator.

[FR Doc. 79-39148 Filed 12-20-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1378-5; PP 7F1925/R226]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Tebuthiuron

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide tebuthiuron in or on rangeland grass forage at 20 parts per million (ppm) and the meat, fat, and meat byproducts of cattle, goats, horses, and sheep at 2 ppm. The regulation was requested by Elanco Products Company. This rule establishes maximum permissible levels for residues of the herbicide tebuthiuron in or on rangeland grass forage and the meat, fat, and meat byproducts of cattle, goats, horses, and sheep.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager, (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/755-7013).

SUPPLEMENTARY INFORMATION: On June 14, 1977, notice was given (42 FR 30423) that Elanco Products Co., Division of Eli Lilly Co., P.O. Box 1750, Indianapolis, IN 46206, had filed a pesticide petition (PP 7F1925) with the EPA. This petition proposed that 40 CFR 180 be amended to establish tolerances for combined residues of the herbicide tebuthiuron (*N*-[5-(1,1-dimethlethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites *N*-[5-(2-hydroxy-1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea, *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N*-methylurea, *N*-[5-(2-hydroxy-1-dimethylethyl)-1,3,4-[thiadiazol-2-yl]-*N*-methlurea, and *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N'*-hydroxymethyl-*N*-methylurea in or on grasses (pasture and rangeland) and grass hay at 20 parts per million (ppm); tebuthiuron (*N*-[5-(1,1-dimethylethyl-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites 1-[5-(1,1-dimethlethyl)-1,3,4-thiadiazol-2-yl]-urea, *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N'*-hydroxymethyl-*N*-methylurea, *N*-[5-(1,1-dimethlethyl)-1,3,4-thiadiazol-2-yl]-*N*-methylurea, 5-(1,1-dimethylethyl)-2-methylamino-1,3,4-thiadiazol, and 2-(1,1-dimethylethyl)-5-amino-1,3,4-thiadiazol in meat, fat, and meat byproducts of cattle, goats, horses, and sheep at 2 ppm; tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites *N*-[5-(2-hydroxy-1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea, *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N*-methylurea, 1-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-urea, and *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N'*-hydroxymethyl-*N*-methylurea in milk at 1 ppm.

Subsequently, the petitioner amended the petition by (a) withdrawing the proposed tolerances in or on milk at 1 ppm and pasture and rangeland grasses at 20 ppm; (b) changing "grass hay" at 20 ppm to read "rangeland grass forage" at 20 ppm; and (c) expressing the tebuthiuron metabolites in terms of tebuthiuron and its metabolites containing the dimethylethyl thiadiazole moiety. No comments were received in response to this notice of filing.

The petition now proposes the establishment of tolerances for the combined residues of the herbicide tebuthiuron (*N*-[5-1,1-dimethylethyl)1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites containing the dimethylethyl thiadiazole moiety in or on rangeland grass forage at 20 ppm and the meat, fat, and meat byproducts of cattle, goats, horses, and sheep at 2.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated include a rat oral LD_{50} equal to 644 ± 27 (standard error of mean) milligrams per kilogram of body weight (mg/kg bw); a 2-year rat feeding study with a no-observed-effect level (NOEL) of 400 ppm (20 mg/kg bw/day) and a minimum-effect level (MEL) of 800 ppm; a 2-year mouse oncogenicity study (negative at 1,600 ppm, the highest fed level); a 2-year rat oncogenicity study (negative at 1,600 ppm, the highest fed level); a rabbit teratology study (negative at 25 mg/kg bw, the highest fed level); a rat teratology study (negative at 1,800 ppm); a rat dominant-lethal study (negative for mutagenicity at 75 mg/kg bw); an Ames mutagenicity test (negative at up to 1 mg/ml of medium); rat, dog, and rabbit metabolism studies; a 162-day cattle feeding study (negative at 30 ppm); a 1-month chicken feeding study (negative at 1,000 ppm); and a 3-generation rat reproduction study in which an NOEL was not established since at the lowest level fed (400 ppm; 20 mg/kg bw/day), the body weights of weanlings were significantly depressed.

There have not been any permanent tolerance etablished previously for tebuthiuron. An acceptable daily intake (ADI) for man and a maximum permissible intake (MPI) for man are not available and cannot be calculated for tebuthiuron because an NOEL cannot be established at this time from the rat 3-generation reproduction study.

It is the judgment of theAgency's scientists that as dose levels are lowered, the weight depression effect noted in the reproduction study probably would diminish regularly to a level where it could not be measured. Because the observed adverse effect is considered a minor one and because the expected level of exposure to humans is less than 1/5,000 of the dose level that produced that effect, the requested tolerances are considered adequate to protect the public health.[1]

The company has agreed in writing to provide an additional multi-generation reproduction study which includes lower dosage levels in order to establish an unequivocal NOEL. The results of this study are expected to be received by the Agency in 24 months. At that time the Agency will re-evaluate these tolerances.

Data considered desirable but lacking are further mutagenicity data which will be deferred until the amounts and kinds of mutagenicity data required for the establishment of tolerances are determined by this Agency. In addition, the use restrictions further limit human or domestic animal exposure. There are no pending actions against registration

[1] The reproduction study's MEL (20 mg/kg bw/day) divided by the calculated theoretical maximum residue contribution (TMRC) to an average daily diet for an adult, 0.0037 mg/kg bw/day.